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Bryn Forhan  
Paul Gibson  
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Citizen Representatives

John M. Shelton  
Executive Officer

250.20

STATE OF CALIFORNIA  
Gavin Newsom, Governor

### **MINUTES**

WEDNESDAY, MARCH 3, 2021  
SAN JOAQUIN RIVER CONSERVANCY

#### **Board Meeting Location:**

Consistent with Governor Newsom's Executive Order N-29-20, the public and Board members participated in a meeting via Zoom and teleconference. Public comment was accepted per the agenda.

### **MEETING AGENDA**

#### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mr. Brandau called the meeting to order at 10:00 a.m., and he led the pledge of allegiance.

#### **A. ROLL CALL**

Name	Present	Telecon- ference	Absent	Late
Mr. Karbassi				10:24
Mr. Brandau	X			
Mr. Frazier	X			
Mr. Garcia	X			
Ms. Auston	X			
Mr. Janzen	X			
Mr. Hatler	X			
Mr. Gresham	X			
Mr. Donnelly	X			
Ms. Scharffer	X			
Mr. Connor	X			
Ms. Lukenbill	X			
Ms. Forhan	X			
Mr. Gibson	X			

Ms. Gavina confirmed a quorum was present.

Legal Counsel Present: Christina Morkner Brown, Deputy Attorney General

Staff Present: John Shelton, Executive Officer  
Rebecca Raus, Associate Governmental Program Analyst

Vanessa Gavina, Staff Services Analyst

**B. ADDITIONS TO THE AGENDA**

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code §54954.2(b)(2))

There were no additions to the Agenda.

**C. POTENTIAL CONFLICTS OF INTEREST**

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

There were no potential conflicts of interest.

**D. PUBLIC COMMENT & BUSINESS FROM THE FLOOR**

Ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

None.

**E. CONSENT CALENDAR**

All items listed below will be approved in one motion unless removed from the Consent Calendar for discussion:

**E-1 ACTION ITEM:** Approve Minutes of March 3, 2021

Vice-Chairman Brandau inquired if any members of the public or Board would like to comment prior to the motion of approving the minutes. With none given, a motion was made.

**Ms. Forhan moved to approve the item from Consent Calendar; the motion was seconded by Mr. Gibson. The motion passed as follows:**

**Roll Call Vote:**

Name	YES	NO	ABSTAIN
Mr. Brandau	X		
Mr. Frazier*	X		
Mr. Garcia	X		
Ms. Auston	X		
Mr. Janzen	X		
Mr. Hatler	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Mr. Connor*	X		
Ms. Lukenbill	X		
Ms. Forhan	X		
Mr. Gibson	X		

\* Mr. Connor and Mr. Frazier had technical problems with their audio. Their votes were counted via the chat in the zoom meeting.

## **F. REGULAR SESSION ITEMS**

**F-1 ACTION ITEM:** Appoint Board Members to Ad Hoc Committee: Explore Possibility of Forming a Joint Powers Authority.

Staff Recommendation: It is recommended the Board approve a motion appointing three to five Board members to an ad hoc committee to further explore possibility of forming a Joint Powers Authority with local and county partners.

Mr. Shelton noted that a meeting was held with the Board members of the local agencies that the Conservancy will potentially have a Joint Powers Authority (JPA) with; members included Vice-Chairman Brandau, Supervisor Frazier, and Jay Varney, the Madera County Administrative Officer. There have also been discussions with Chairman Karbassi and Mayor Jerry Dyer. These meetings indicated a positive response in which the possibility is being considered, but the Conservancy would like to engage in further exploration of this idea. He noted that this is not something the Conservancy wants to rush into, but believes the timing is very appropriate. The JPA gives structure and allows for operation and maintenance; although, the issue of funding has yet to be determined. Mr. Shelton introduced Ms. Christina Morkner Brown to give further insight into the structure of JPA's.

Ms. Christina Morkner Brown, Deputy Attorney General, presented an overview of JPA's and stated that if the Board decides to create an ad hoc committee, she can provide more detail of some of the potential arrangements.

A JPA is an acronym, and it is used for different types of arrangements. There can be a joint powers agreement, joint powers agency, or joint powers authority. This is when public officials have two or more agencies agreed to establish a joint approach to working on a

common problem. It is similar to a confederation of governments that use their joint powers to work together and share resources for some common actions or mutual support. JPA's are authorized under the Joint Exercise of Powers Act, and they can be formed by public agencies only. The term public agencies defined very broadly include the federal government, the state or state departments, counties, cities, special districts, school districts, mutual water companies and recognized Indian tribes.

Ms. Morkner Brown highlighted the difference between a joint powers agreement and a joint powers authority. A joint powers agreement is a formal legal agreement between two or more public agencies that, together, want to implement some sort of programs jointly that could be to build facilities or deliver services. This is very broad. The officials from the agencies get together and they formally approve a cooperative agreement that specifies the terms of the joint activities. Each agreement is unique; there is no set formula for how governments should use their joint powers. Usually, one member agency agrees to be responsible for delivering the services on behalf of another. It can be short term or long-term. It can be a perpetual service agreement. For example, if a city and county want to run a combined library program, a city council and county board of supervisors would approve a JPA to do so. A joint powers agency and a joint powers authority are terms that are used interchangeably. This happens when there is a joint powers agreement to form a new legal entity and new organization, and it is an entity that is legally independent of each of the member agencies and shares powers that are common to all of the member agencies. Those powers it has are spelled out in the joint powers agreement. Generally, if what the agencies want to accomplish together is straightforward and simple, the agencies would do a joint powers agreement. If it is something more complex and involves more pieces, then the agencies frequently form a joint powers authority.

Typically, the new agency has officials from the member agencies on its Governing Board. They do not necessarily have to be called joint powers or have JPA in their name, but if they are formed under a joint power's agreement, they are a JPA and covered under the Joint Powers Act. An example of this is the Mountains Recreation and Conservation Authority (MRCA). They are formed between a State Conservancy (Santa Monica Mountains Conservancy) and two recreation park districts. Together MRCA, which is the agency they formed, is responsible for acquiring and developing land, conserving local open space and parkland, and doing conservation projects and development along their parkway.

The authority for the JPA is under the Joint Exercise Powers Act (Act). The Act has its roots in a bill initially passed in the 1920's, and since it was a useful tool, the legislature broadened its authorities in the 1940's and the 1980's. The most basic thing to understand is that a JPA can exercise only those powers that are common to their member agencies. They cannot exercise any power that is beyond the authority of any one member agency. For example, three fire protection districts and an adjacent city can form a JPA to run a fire department because each member agency has the power of the fire department; however, that same JPA could not maintain local parks because the fire districts lack that statutory authority. Regarding the San Joaquin River Conservancy and forming a JPA with a local county, the counties have eminent domain authority, but the San Joaquin River Conservancy does not, so the JPA could not have eminent domain authority. Also, even

if there are authorities that the member agencies have, but they do not want the JPA to exercise those authorities, they can specify that in the agreement, so there is a lot of flexibility on how these are formed. JPA's are considered local agencies, so their meetings are open to the public and subject to the Brown Act, similar to meetings are operated for the Conservancy. They are also subject to the Public Records Act, the Political Reform Act, and other public interest laws that require transparency of agencies. The formation of a JPA begins with negotiating a formal agreement that spells out the member agencies' intentions and the powers that they will share and other mutually acceptable conditions that define their intergovernmental arrangement. Each member agencies' governing board approves the joint powers agreement and state agencies must get approval from the Department of General Services. If a Joint Powers Agreement creates a new Joint Powers Agency/Authority, the JPA must file a notice of joint powers agreement with the Secretary of State. Until those documents are filed, a JPA cannot incur any debts, liabilities, obligation, or exercise any of its power.

The structure of a Joint Powers Agency is governed by a Board. There is no set requirement for how many board members there are, but typically JPA's have five to seven members. Its size, structure, and membership are spelled out in the joint powers agreement. An example is the MRCA which has four board members. One member is from the Conservancy, one member from each of the member park districts, and one member at large. The agreement also spells out the agency's powers and functions. There are three common ways that the JPA's would generate revenue. The MRCA generates revenue in a few different ways. One way is by leasing out their properties for filming, and they generated a significant amount of revenue that way. They also have fees, so they can support their activities through that. The Conservancy gives grants to the JPA for certain activities, similar to how the San Joaquin River Conservancy gives grants to other organizations, so the MRCA may be a grant recipient of grants from the Conservancy. Another form is contributions from members. The JPA can spell out how each member's agency contributes to these funds. Sometimes one agency may contribute services or equipment in lieu of funds; for example, the MRCA contributes the time of the Executive Officer and the general counsel in lieu of additional financial contributions. There are provisions associated with the Joint Powers Act that allows JPA's to issue bonds and raise money in that way. It is a little different than how bonds are issued at the local level. They do not need to be done with voter approval, but there are some steps that they must go through, they must pass an ordinance and there is a 30-day period in which voters can object to the bond issuance through a referendum. Because the JPA manages money, there are certain requirements and the act for how that money is overseen. They must appoint the treasurer and an auditor. The treasurer may be someone from a member agency. It can be a county treasurer from within which the JPA operates, or a certified public accountant can perform the job. The JPA auditor must arrange for an annual audit. Many public agencies audit their own JPA's. The JPA must file the completed audit with the county auditor who makes copies available to the public. Regarding the administration, the agreement specifies how it is administered. With the MRCA as an example, the Executive Officer of the Santa Monica Mountains Conservancy also serves as the MRCA's Executive Director without any additional contribution as lieu services as a part of the Conservancy's contribution to the JPA. The Conservancy's chief counsel acts as the legal counsel for the MRCA without any additional compensation and that is all specified in the

Joint Powers Agreement. For the MRCA the general manager of one of the park districts serves as the treasurer and controller and carries out all the audit functions that were mentioned earlier. The Santa Monica Mountains Conservancy is a member of nine active Joint Powers Authorities including the MRCA. Each one is a separate government entity with its own Board. They have different focuses, but they are part of implementing their overall mission to acquire and improve open space parklands and offer educational opportunities, provide stewardship for the public parks and open space resources, and their jurisdictional area in southern California. Ms. Morkner Brown provided a list of other JPA's that the Santa Monica Mountains Conservancy are a part of. Another example of a State Conservancy that is part of a few JPA's is the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC). The RMC is part of four different JPA's that are listed here. There are different arrangements. The Azusa JPA is between RMC and the City of Azusa. The Discovery Center JPA is between the RMC, LA County, and two water districts. The Los Cerritos Wetland Authority is between the RMC and another State Conservancy and two Cities in the area. The Watershed Conservation Authorities are between the RMC and the Los Angeles Flood Control District.

Mr. Frazier stated he and Mr. Shelton toured the MRCA and met with their Executive Director, Joe Edmiston. Discussions were helpful, but some ingenuity would need to happen to get funds. Mr. Frazier mentioned that across the office from where they were meeting, the SWAT television show was being filmed. Filming opportunities, such as the one he and Mr. Shelton witnessed, help provide funding to the MRCA JPA. He expressed that there could be potential for bringing some of those filming opportunities here, as an ability to raise funding for the proposed JPA. He believes it is a worthwhile idea to explore to see how money can be raised for the operations and maintenance through the JPA.

Mr. Brandau asked if there were any other comments from Board members.

Mr. Gibson stated that it was helpful to have examples of the Southern California entities that have JPA's. He inquired what the administrative costs associated with running a JPA would be.

Mr. Shelton answered that when they met Mr. Edmiston it sounded like most of their JPA's administrative costs were provided through in-kind services. Mr. Edmiston also serves as Executive Officer of all the joint powers they are involved in. The legal comes out of the Conservancy's funding. Mr. Shelton believes that the Treasurer is internal staff or provided by the other authorities. He explained that there are administrative costs, but that it is relatively easy to cover by existing personnel of the different member agencies.

Ms. Morkner Brown added that the MRCA will most likely be a larger JPA than the one proposed for the San Joaquin River Conservancy. She believes the LA Rivers JPA is a better example because they are much smaller; and in those JPA's, the Executive Officer of the Conservancy also acts as the Executive Officer of the JPA. Main positions are offered through in-kind services by the member agencies. Typically, extra staff is not hired because it is all covered by the member agencies. Whereas, the MRCA has enough funding that they independently hire their own staff. They have a large staff of over 100 people, so they have the ability to hire staff to patrol the area and enforce their ordinances.

With the Los Angeles Conservancy, it is really the members that contribute. She believes that if an ad hoc committee is formed, we could probably get a little more information on the finances, and she recommends that one member of the committee have background knowledge in that area where that can be their focus and how that works for a State agency. She emphasized that it is important because state agencies are overseen by the Department of Finance, and there should be someone to ensure that this is compatible with how the Department of Finance expects we manage our appropriations.

Mr. Garcia provided another example of a JPA and the different aspects of it. The City of Madera entered into a JPA with Madera County and the City of Chowchilla to create the Economic Development Commission (EDC). There is a cost to the City which is approximately \$177,000, in which some of that covers staff positions. Mr. Garcia mentioned there can be a possibility for a recommendation from the other entities to contribute towards the existence and maintenance. Mr. Garcia asked Mr. Shelton if he was looking at certain local and county partners at this time to join, or is this just an exploratory idea?

Mr. Shelton replied that at this time it is an exploratory idea. He stated that for this JPA it would probably include the Conservancy, the two counties, and the City of Fresno. He also mentioned it would be possible for the City of Madera to be part of it, or other partners that are contiguous with the parkway. He stated that another important aspect that would advantageous would be law enforcement involvement. However, he does not want to limit the discussion of who is involved, other than that every member must be a government agency. He mentioned he would also like to have input from non-governmental organizations, and that several have expressed interest in being part of the discussion. They could not be a member of the JPA, but we could figure out a way to make sure they have input.

Mr. Karbassi asked what three to five members would serve on the ad hoc committee.

Mr. Brandau replied that a decision has not been made.

Mr. Karbassi queried if it would be municipal representatives or members of the Board that would sit on the ad hoc committee.

Upon inquiry from Mr. Karbassi, Mr. Shelton reported that initially, he was looking for Board Members for an ad hoc committee. However, in discussions and negotiations, county administrative staff, such as the County's Chief Administrative Officer or their designee, or city administrative staff that Mr. Karbassi or Mr. Garcia provided would be useful if they are well informed about the issues. Mr. Shelton mentioned it could also be valuable to have staff from the mayor's office, or potentially, in their parks department. He also revealed that there have been several nonprofits, such as the Parkway Trust, that have expressed interest in this. As Ms. Morkner Brown pointed out, it would be good to have a couple of the State staff involved that are familiar with the financial aspects of the Department of Finance. He mentioned a good fit would be someone from the California Resources Agency. In the past, Bryan Cash was a big part of the push to be able to do this when he was our Board Member. Another member that should be considered is Mr.

Gresham with the Department of Parks and Recreation. We currently have an agreement with them to run part of the parkway land, so it would be beneficial to have him if he is interested. We would still be able to continue with all the existing operations. A smaller sub-committee would be ideal to have these discussions, and preferably with the various agencies that will possibly be entering into the JPA. Mr. Shelton noted that for these discussions he would like enough flexibility for the subcommittee to figure out where we want to go.

Ms. Morkner Brown asked Mr. Shelton to clarify if he wants three to five board members for the proposed ad hoc committee, which then could subsequently reach out to the other local entities or State entities that are not on the ad hoc committee for input.

Mr. Shelton agreed.

Mr. Frazier volunteered himself and his County Administrative Officer, Mr. Jay Varney.

Mr. Shelton asked Mr. Frazier to relay Mr. Varney's discussion regarding retired annuitant police officers.

Mr. Frazier stated that Mr. Jay Varney had been a police chief as well as a sheriff before becoming his County Administrative Officer, and he understands staffing for public safety. Policing and being able to do that through the Sheriff's department was considered. Mr. Varney mentioned that there is the capacity to avoid high costs to the counties and the cities in hiring retired annuitants because they can only serve for a certain amount of days during the year and resulting in a lower cost than it would be to have a full-time deputy patrolling. They could patrol and still have the quick ability to contact and work with the Sheriff's Department. They would be in full sheriff uniform, but just as an annuitant. Mr. Frazier noted that they are already using annuitants in some of the off-highway vehicle areas, and it has worked very well in different places to save money, but also, still have that level of security in these large recreational areas. It was an encouraging discussion regarding the most critical parts of the operations and maintenance, which are policing, securing, and making the area safe.

Mr. Shelton mentioned that although vagrancy along the River is problematic, it is not just a matter of law but also working with those who have mental health issues and drug use. In the previous discussion with Mr. Varney, he stated that at the county level they can provide coordination with their county health department. Therefore, having a joint powers authority that includes the two counties, we can tap into any of the law enforcement's existing relationship they have with other agencies within their county, city, or state level. Mr. Shelton indicated that another significant aspect to this was the matter of jurisdiction because we do have homeless individuals who know how to cross from one side of the River to the other, depending on how active law enforcement is at the time. We have had individuals that have camped on the island because they figured there is no enforcement when they are on the islands.

Mr. Frazier stated the ability to connect homeless individuals to services is important, since we must be able to help them and not just remove them.



Mr. Karbassi said he agreed with Mr. Shelton that less is more when it comes to the committee, so he would like to make a motion to create an ad hoc committee of the three board members to further explore the possibility of forming a JPA with local and county partners and that those members be the Fresno County representative Steve Brandau, the Madera County representative Brett Frazier, and one non-governmental member of the Board.

Vice-chairman Brandau asked if there was a second to Mr. Karbassi's motion.

Ms. Auston seconded.

Mr. Brandau said they would have to determine who that third member of the Board who is the non-governmental representative of the board would be.

Mr. Karbassi stated that Ms. Auston was very helpful with the work in Building Healthy Communities, and if she is amenable to that, he would like to recommend her.

Ms. Auston indicated she would accept.

Mr. Brandau confirmed the ad hoc committee, with himself representing the County of Fresno, Supervisor Frazier representing the County of Madera, and Ms. Auston as the nongovernmental board member of the Conservancy that would serve on the ad hoc committee. He asked that someone else second the motion made rather than Ms. Auston, since she will be serving on the subcommittee.

Mr. Gibson seconded the motion.

Mr. Garcia commented said that he was looking at volunteering to serve on the subcommittee to represent the City of Madera, but he acknowledged only three members would not allow him to serve, so he inquired if the Board would be willing to increase it to five members so that they can have the City of Madera represented.

Mr. Karbassi said that although his Fresno district does border the River, he took himself out of the committee because he did not want to be partial because The City of Madera does not border the river. He asked Mr. Garcia if there are specific concerns that he has for the City of Madera that he could not work with Supervisor Frazier on.

Mr. Garcia stated that he did not, but he just wanted to increase the ad hoc committee to allow a couple more members for representation.

Mr. Karbassi replied that he would like to keep it small so that they can get more work done, but he would like to leave it open to the members of the Board. He offered it to the Board for feedback.

Ms. Forhan asked Mr. Karbassi if his motion was for the two counties and not the cities.

Mr. Karbassi answered that was correct.

Ms. Forhan stated that although she appreciates Mr. Karbassi aim of keeping the meeting small, she thinks that when the Board is considering a JPA, the City of Fresno should not be dismissed in participation because they are a very big partner in this effort. This is a significant point for the Conservancy regarding the momentum that is starting to build, and she suggested that this not be limited where we are not engaging the City of Fresno and the City of Madera. She believes more partners, who engage in formalizing the JPA and contribute to solving the problem of operations and maintenance, would be better.

Mr. Karbassi amended his motion to include a representative from the City of Fresno and the City of Madera.

Mr. Frazier responded that he is agreeable to that, as the initial plan was to engage the City Manager, the Parks department, or someone from the Mayor's Office in both camps. He added that even if they were not on the ad hoc committee, Mr. Garcia would have still been involved, along with the City manager in Madera, as City input would be necessary. He clarified that he is also fine with 5 members, as well.

Mr. Janzen mentioned that initially he thought five members would be good, but as he considered it, he believes that three members would be a better fit for the preliminary discussions. The involvement of other agencies can occur later.

Mr. Shelton addressed state agencies' involvement although other state agencies do become members of JPA's, there are not many; it is usually local agencies that are the majority. The State Conservancies have taken initiative in this direction, both in the past and currently. Part of that is the statue, as they are run by the Brown Act. It just reflects the idea that this is more of a local agency process in a lot of ways. However, Mr. Shelton stated that he does appreciate Mr. Janzen's discussion on this, and he believes that we will need to keep the other state agencies involved. If they want to be a member, we will have that discussion.

Vice-chairman Brandau asked for clarification on Mr. Karbassi's motion, and if he was amending his previous motion of having three members serve on the ad hoc committee to five members.

Mr. Karbassi stated that he is amending it to five members because he wants to be as flexible as possible.

Mr. Gibson stated that he still seconds Mr. Karbassi's amended motion.

Mr. Brandau summarized that we have a motion and second to extend it to five members. The five members would be representatives of the County of Fresno, the County of Madera, City of Fresno, City of Madera, and a non-governmental representative, Ms. Auston, that would serve on this ad hoc committee.

Mr. Brandau queried if there were any more comments from the Board, and if not then he would like to hear from the public, and then come back and entertain a motion. With no additional comments from the board or public, the motion followed.

**On the motion made by Mr. Karbassi, the members of the ad hoc committee would include: Brett Frazier, Steve Brandau, Santos Garcia, Mike Karbassi, and Kacey Auston. The motion was seconded by Mr. Gibson.**

**Roll Call Vote:**

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Mr. Garcia	X		
Ms. Auston	X		
Mr. Janzen		X	
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Mr. Connor	X		
Ms. Lukenbill	X		
Ms. Forhan	X		
Mr. Gibson	X		

**F-2 ACTION ITEM:** Authorize Bond Funds and Grant to Fresno Building Healthy Communities for the San Joaquin River Parkway Western Reaches Access Activation Plan: Camp Pashayan to Milburn Overlook (Carried over from January 6, 2021, meeting).

Staff Recommendation: It is recommended the Board approve \$1,519,000 in Prop 84 bond funds and a grant agreement with the Fresno Building Healthy Communities for the San Joaquin River Parkway Western Reaches Activation and Restoration Plan: Camp Pasjayan to Milburn Overlook. Wildlife Conservation Board (WCB) authorization would be requested at their May 2021 meeting.

Mr. Shelton mentioned that this item was heard at our last Board meeting, with a recommendation to hold a community meeting. Since then, Chairman Karbassi hosted a community meeting that was relatively well attended. Mr. Shelton gave a summary of the action item. He stated that the reason the plan is called western reaches is that it stretches from Highway 99 to the Milburn Overlook. Its focus on the Camp Pashayan area and how to activate that area and make it available for public use. The timeline has changed somewhat, but if everything is approved today at our Board meeting, then it will go to the Wildlife Conservation Board (WCB) in May for approval. In conversations with the team working on this, they should be able to get started right afterward.

One of the major features that we have within the Western reaches is Camp Pashayan, which was an overnight group area that was being used way before the Conservancy owned it. It is now the property of both the Conservancy and the California Department of Fish and Wildlife (DFW). Ms. Vance mentioned at the last meeting that we would have to work with CDFW, and that their lands unit has reviewed this proposal. There is also the Riverbottom area and the Riverside trail. The Riverside Trail is an existing multi-use trail that goes behind Riverside Golf Course and connects down to the Riverbottom Park. There is also a Fresno city property that stretches from the Riverbottom properties to our property at Liddell, which is the old fish farm near the Bluff Point Golf Course and Learning Center and connects with Milburn and the Milburn Overlook. We do have a couple of areas that are non-public owned. Pacific Gas and Electric (PG&E) owns their utility switchyard, which is the underlying property of the adjacent Fresno County Horse Park. We have had meetings with the operators of the Horse Park in regards to the siting of this portion of the Eaton Trail. The owner of the Fresno County Horse Park is very interested in connecting the Horse park by trail, but there has not been any formal meetings with PG&E. Mr. Shelton has, however, had discussions with staff members at lower levels and there seems to be a good opportunity. There is also an opportunity to potentially use the State Lands area that goes along the river below the historic low waterline, but there is also the area between historic low and high watermark that is public trust access land. He believes working with PG&E would work well for this. Additionally, there is small parcel that may potentially be developed. The development plans would likely be the same as the development next to the Riverside Golf Course, which includes multi-use trail. These ideas will be explored during the planning process.

Mr. Karbassi mentioned the community meeting that took place with his office, the Conservancy, and Fresno Building Healthy Communities (BHC) was well attended; and many valuable questions were asked by the attendees, many of whom were residents in the immediate area. They were very interested in cleanup and programs in the area, and opening up Camp Pashayan to residents all over the community. Mr. Karbassi mentioned there will be more meetings with the neighborhoods in the future to make sure any potential issues that come up can be mitigated, but he is excited at the prospect of this and is supportive of this item on the agenda.

Vice-chairman Brandau asked Mr. Karbassi if he would like to make an official motion, and then we can return to the presentation in his absence.

Mr. Karbassi agreed, stating he would like to move to approve the bond funds to be spent towards this agreement with Fresno Building Healthy Communities.

Ms. Forhan seconded the motion.

Vice-chairman Brandau noted that if we lose Mr. Karbassi's participation due to another event he was simultaneously participating in at the time of the Board meeting, the Board would vote in his absence. Additionally, if the motion dramatically changed, he would withdraw him as the maker of the motion.

Mr. Karbassi indicated that he understood.

Mr. Brandau stated that there seems to be a lot of support here and allowed Mr. Shelton to finish the rest of the presentation.

Mr. Shelton introduced Ms. Sandra Celedon from Fresno Building Healthy Communities (BHC) to present how the meeting went and how they were able to facilitate it.

Mr. Karbassi left the meeting at 10:59 a.m.

Ms. Sandra Celedon stated that the community meeting that they held was very successful. Fresno BHC staff and volunteers canvassed the residential areas adjacent to the trail in Herndon town over by Camp Pashayan. There were over 270 meeting notices flyers that were distributed. These printed flyers were also posted on their websites and different social media channels including different affiliated groups, and they also announced the community meeting at the tree planting event at the Liddell property before the Community meeting. There were 38 people in attendance in the virtual meeting. She mentioned that there was a lot of good discourse around some of the initial concerns the public had voiced, which were similar to the concerns expressed by the Board. These issues included homelessness, safety, and cleanup of the trail and the sites. There is also a lot of excitement about reactivation of Camp Pashayan and extending the trail network, so BHC has points to build off of if the Board chooses to approve the project.

Mr. Brandau thanked her for her presentation and said he would take it to the Board for questions, and then for public comment.

Ms. Forhan mentioned the process of outreach to disadvantaged communities. She praised Ms. Celedon for her community outreach and hopes she will continue doing further outreach and engaging the residents in nearby neighborhoods and beyond, so that there is public involvement, and it is all-encompassing for the broader community. Secondly, she does not believe this has to be a formal part of the motion, but she suggested that the Board be apprised of updates since this is a two-year process.

Mr. Garcia stated that this project has his complete support. However, he had a procedural question regarding the motion and the second of this item prior to public comment. He asked legal counsel about the ability of a board member to be able to make a motion or second when they are not present at the meeting, referring to Mr. Karbassi motion of approving this item, but leaving the meeting prematurely.

Ms. Morkner Brown believed it would be better for someone who was present for the entirety of the discussion on an action item vote to make the motion and the second, and it would be clearer for the record.

Mr. Gibson stated he was present at the community forum would move to approve the staff's recommendation.

Mr. Garcia made a motion to second.

Ms. Morkner Brown confirmed and reiterated for future reference that there cannot be a vote before there is public comment, but it is acceptable to have a standing motion, and the Board may modify its motion after hearing public comments.

Vice-chairman Brandau called for public comment.

Ms. Celadon inquired if the Board would like her to answer the two questions asked by Ms. Forhan regarding broad outreach and an update to the Board.

Mr. Brandau consented.

Ms. Celedon stated that BHC is committed to ensuring that they include people that may not traditionally access the river and people that live outside of the area. However, for the first community meeting that they held with Chairman Karbassi, due to the time limitations, they focused on residential areas contiguous with that area. Ms. Celedon mentioned that over the two-year period the goal is to engage, not just residents that are adjacent to the property, but also throughout the county and ensuring that they are focusing on people that are not traditional users of the river and the trail system. She views the Board as stakeholders, and although it is not reflected in the timeline, part of their standing process for projects such as this is that they do provide updates, and not just at the midpoint, but at any point where they feel like they are at a benchmark to both receive additional information and additional feedback and to also provide a status update of the project. She anticipates that the Board will hear from them often.

**Mr. Gibson moved to approve the item; the motion was seconded by Mr. Garcia. The motion passed as follows:**

**Roll Call Vote:**

Name	YES	NO	ABSTAIN
Mr. Brandau	X		
Mr. Frazier	X		
Mr. Garcia	X		
Ms. Auston	X		
Mr. Janzen	X		
Mr. Hatler	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Mr. Connor	X		
Ms. Lukenbill	X		
Ms. Forhan	X		
Mr. Gibson	X		

**F-3 INFORMATION ITEM:** Presentation by The San Joaquin River Parkway and Conservation Trust on Progress at River West E-Pond Habitat Restoration Project

Mr. Shelton introduced Jake Salimbene, project manager for the San Joaquin River Parkway and Conservation Trust, to present.

Mr. Salimbene provided some updates on the status of the E-Pond Habitat Enhancement Project at River West Fresno and provide the Board with a little insight on the work involved before they started the planting. The previously completed habitat enhancement project at the H-Pond was shown. Since receiving the notice to proceed from the Wildlife

Conservation Board (WCB), he spent time completing the planning phase of this project and acquiring all the materials needed for implementation. The planning phase started with research into the various characteristics of the project area that culminated in the production of a site study report that he has used to guide the project designs. He mentioned that combed through tons of old aerial photos to research the historical conditions and subsequent land-use changes that have shaped the site. He showed an aerial photo from 1937, in which the presence of a tree line swell was running through the project site. While it has been highly altered since, the swell is still present today. It is going to be an important feature of this project. As part of their investigation, they performed a soil analysis investigation into the site's hydrology and dug two soil pits. This let them compare their field observations to the USGS soil surveys to look for the presence of moisture and other any indicators that would show the extent of seasonal fluctuations in the water table and it would generally help in determining what plant species could be successfully installed there.

After conducting that research and analyzing reference sites, Mr. Salimbene used the findings along with the habitat needs of the target wildlife species to design a site-specific planting plan that would resemble the historical conditions, but with species that would thrive under the current conditions of the site. He showed a 10x10 planting palette that demonstrated a snapshot of how the planting species would be arranged. The plant species were arranged based on their growth characteristics, so they would provide the desired habitat elements. He stated that creating a planting plan that way did not account for the unique topography or features of the project site, such as that form of swell that runs through it. Consequently, he adjusted the panting palette in those locations to include species that were better suited to their exact planting location. Once the planting plan was approved by WCB, he was able to order the plants, which are now acclimating to their climate at the River Center. He also designed a mockup of the irrigation system that would be installed, and he sent the plans off to an engineer who adjusted as he saw fit, and then he gave him the stamp of approval. Mr. Salimbene stated that this will not be a new standalone irrigation system. It is an extension of the existing system that we use for habitat enhancement at the H Pond. When all of this has been completed, then they will work on the permits. They are currently waiting on notification on a couple of permits, but once everything is finalized, they will begin the on-the-ground implementation.

Mr. Brandau stated that a restoration project was previously done nearby Riverside Golf Course, just east of the railroad crossing. He asked for an update on that project since it is similar to the restoration project they are currently working on. He asked if the first project was successful.

Mr. Salimbene stated that the first project that Mr. Brandau is referencing was a project performed by River Partners. He is not familiar with their project, but believes they had some success on the Fresno side. He heard there were issues on the Madera side, but could not verify that since he is not a member of River Partners. He added that through their previous restoration projects at the Jensen River Ranch, all three phases of the adjacent H Pond project, as well as the floodplain enhancement project that they are currently doing, those projects have given them invaluable insight, experience, and knowledge that has helped shape this planting plan and all the designs for it.

Mr. Brandau stated that he helped to volunteer on the River Partners project, and asked if the Parkway Trust will be offering community involvement to come out and help with the planting.

Mr. Salimbene confirmed that they would, and are going to be restarting their volunteer efforts soon. They will be doing it outside and spaced out, and it will be open to the public to help with the planting.

Mr. Brandau asked Mr. Salimbene to keep the Board apprised of that because there are lots of members of the community that love this type of restoration project, and it is always helpful to get that energy in the field.

Mr. Salimbene encouraged everyone to see the project at the H Pond. It will resemble the E Pond, and with the lupine bushes are currently blooming, it will make for an enjoyable visit.

Mr. Brandau asked if there was any public comment regarding this item. With none given, he asked Mr. Shelton if he would like to add anything further.

Mr. Shelton stated that he can address a little bit of Riverbottom project that Mr. Brandau was referring to. It also included our Schneider property on the Madera side of the River. The restoration performed by River Partners has done very well at the Riverbottom. The restoration is decent on the Madera side, but there were some issues with survival. Since River Partners needed install a pump for the Schneider restoration, for some areas the it was difficult to keep enough water on the plants. He believes in another 15-20 years it is going to look great. Right now, the Trust is also working on a restoration project at Jensen River Ranch and our Jenco properties, and restoration is looking promising in those areas.

## **G. ADMINISTRATIVE AND COMMITTEE REPORTS**

Information Items. No action of the Board is recommended.

**G-3 Organizations' Reports:** If time allows, the following oral reports will be provided for informational purposes only and may be accompanied by written reports in the Board packet.

### **G-3a. San Joaquin River Parkway and Conservation Trust**

Ms. Sharon Weaver, the Executive Director of the San Joaquin River Parkway and Conservation Trust, gave an update on the Sumner Peck Winery. They have been able to hold public open-house days on multiple weekends. They have been hosting "pick your fruit" sales, which have been extraordinarily popular. People enjoy coming out to this beautiful spot on the River and picking citrus fruit, which is in season right now. They are looking forward to inviting people out to pick blueberries when those become in season in May. Also, they have signed a lease with a winery located in Madera County called Solitary Sellers. They are going to be



relocating their operation into the glass building at the front of the property, and the benefit of having them on site is that it will allow them to keep the property open every day. It is going to be open soon daily for visitors who want to just come out and explore the property and visit the river. She also added that she has talked to Mr. Shelton about the idea of the Parkway Trust being the central hub for access to Ball Ranch and Ledger Island, since they are located amongst it, and she looks forward to continuing those conversations in the months ahead.

**G-3b. River Tree Volunteers.**

Mr. Richard Sloan, Founder of River Tree Volunteers, was not present at the meeting. However, Mr. Gibson apprised the Board that he saw Mr. Sloan recently and knows that they were out last weekend to do a cleanup at Camp Pashayan. He believes it was very successful and just wanted to let the board and public know that River Tree continues to be a great asset, especially when it comes to the cleanup of the River.

**G-1c. Central California Off Road Cyclist (CCORC)**

Mr. Gary Bowser mentioned that they have done some considerable work at the Van Buran Unit. They have completed one full section of trail, including posting signs that mark the trail in different locations. There has been a very good response received from the cycling public and other hikers who enjoy the area. They want to focus on trails that are close to home and providing a way for people to get out of their house. They are excited to be a part of the future of the San Joaquin River Parkway.

**G-1d. San Joaquin River Access Corporation (SJRAAC)**

A representative was not present for this meeting.

**G-1e. San Joaquin River Socials**

Mr. Shelton gave an update on behalf of Jessica Vaughn. He mentioned this group was very active in the community meeting, but just prior to the meeting, there was a tree planting day at the Liddell property. Chairman Karbassi came out and provided drinks and other refreshment food, but it was mostly composed of scout troops. There were cub scouts, boy scouts, and girl scouts planting trees. It was also organized by Chuck Kroeger with RiverTree Volunteers. There were already some trees that were planted in the past that were being manually watered, and some of the new trees that were planted were donated from the County Office of Education at Scout Island. There was a real community effort out there that did well.

**G-1f. River Partners**

A representative was not present at the meeting.

**G-4 Deputy Attorney General Report**

Ms. Christina Morkner-Brown indicated that she has no updates from the Attorney General's Office.

**G-5 Executive Officer Report**

Mr. Shelton mentioned that he did want to touch upon a few things. Previously, there a closed session on the potential purchase of the Johnson property. That property was sold to another person. Staff had been working with the owner, but it was mentioned that there was any interest from another potential buyer, we would respectfully withdraw. Therefore, we are no longer seeking approval for that idea.

The Circle V project that the Conservancy Board approved at the last meeting was taken to the Wildlife Conservation Board, and it was approved. This will be used as an indigenous cultural and environmental center. Planning on this project will be starting soon.

Another project that was taken to the Wildlife Conservation Board was the Lanes Road property, and it was approved. This property is contiguous with our Jenco and Jensen River Ranch properties. Daniel Vasquez, a Senior Land Agent at WCB, will work through the actual purchase of that area. Staff will also be working with the current landowner on ensuring a smooth transition in removing some of their equipment that is currently being stored on site. We have had interest from RiverTree Volunteers and others about using that area for future storage and everything. We will negotiate some figures, and that will help us in the operations and management of the property as we go forward.

Also, Assembly member Arambula introduced a bill for the San Joaquin River Conservancy, not on our behalf, but it addressed board membership and board governing rules. This is to switch our two county citizen representatives so that there is no longer the requirement of needing to have a Riverbottom landowner. That has been problematic for Madera County for several years, as they have not been able to fill that position. Essentially, this will require that both county citizen representatives follow the same procedure of getting nominations from various environmental groups- social justice, environmental justice, and recreation groups. From there, they will send a nomination list up to the Governor's Office who will make the actual selection. Mr. Shelton noted that this moved into the Assembly and Natural Resources Committee, and their staff has reached out in an attempt to get comments. The Conservancy has not able to give its support or opposition since that decision will be made at the Governor's office, but we can offer information to Assemblymember Arambula's staff. Mr. Shelton will keep the Board updated on the outcome.

Mr. Brandau asked if there are any Board comments regarding the reports.

Mr. Frazier stated regarding the changing legislation, their appointment list will be going to the Board of Supervisors on March 9, 2021, so if anyone has anybody that they are interested in, they can give that name to Mr. Frazier or Melissa de Silva in his office. They currently have six members on the list, and they are all from different areas. This is a stark difference from when the Riverbottom landowner requirement was present, and they would get one applicant in five years.

Mr. Garcia commented that since he has been on the Board in 2018, there has been a Madera Citizen Representative vacancy. He has asked Mr. Shelton about the diversity of our Board, and how we can make it stronger and more representative of people of color in our central Valley, particularly those who are interested in access to the San Joaquin River. He is glad that there is an attempt by Assembly member Arambula to address the issue of filling vacancies in the Board and making changes to the Board. He mentioned that we also have a responsibility amongst ourselves to make sure that we address this in a timely fashion, and that people in the communities are involved. He is glad that we are making steps forward on addressing that issue and believes that Assembly member Arambula's bill will be beneficial in that.

Mr. Shelton added that the bill, as it was introduced, was modeled after a trailer bill that the Governor's office had put together last year with input from our staff attorney. This trailer bill was already approved by the governor's office, but then the COVID related budget issues occurred, and trailer bill prioritization were re-focused on other potential budget issues. AB 559 essentially proposed diverse representation along with the idea that our citizen representatives would not be nominated only by environmental groups, but could be nominated from other groups, as well. Mr. Shelton has been working with Assembly member Arambula's staff, and they are very interested in input, so if any of the Board wants to reach out and talk to them about these issues, they are open to hearing from people.

#### **G-6 Board Members' Reports and Comments**

Mr. Donnelly let the Board know that WCB has selected and hired a replacement for Heidi West, who had recently retired at the end of the last year. She was the restoration staff that supported the San Joaquin River Conservancy work at the WCB. The new staff member, Erin Aquino-Carhart, will start on March 15, 2021, so this will be great for the Conservancy and WCB for that support. Also, he signed the final escrow instructions on the River Ranch project and the public access easement. If everything goes right, the public access easement will probably be on the record soon. He is glad to hear that work with the City of Fresno is starting to progress and thinks that it is crucial to get that process going. He requested that Mr. Shelton provide an update at the May meeting on the status of work with the City of Fresno for the River West project.

#### **H. CLOSED SESSION**

Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

None.

#### **I. NOTICE OF ADVISORY AND BOARD COMMITTEE MEETINGS, OTHER PUBLIC MEETINGS RELATED TO CONSERVANCY MATTERS**

None.

**J. NEXT BOARD MEETING DATE**

The next Board meeting is scheduled for 10:00 a.m. Wednesday, May 5, 2021, location to be determined.

**K. ADJOURN**

Board meeting notices, agendas, staff reports, and approved minutes are posted on the Conservancy's website, [www.sjrc.ca.gov](http://www.sjrc.ca.gov). For further information or if you need reasonable accommodation due to a disability, please contact the Conservancy at (559) 253-7324.

**Mr. Brandau adjourned the meeting at 11:45 p.m.**

Respectfully Submitted,

DocuSigned by:

*John M. Shelton*

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John M. Shelton  
Executive Officer- San Joaquin River Conservancy